

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, September 12, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order at 3:30 p.m. by Council President Lantry.

Present -7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent -0

CONSENT AGENDA (Items 1 – 28)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Council President Lantry removed item 9 at the request of the Administration.

Councilmember Montgomery requested item 8 to be laid over.

Councilmember Helgen requested item 19 be removed for separate consideration.

Councilmember Bostrom requested item 24 to be laid over.

Councilmember Thune moved approval of the Consent agenda as amended.

Adopted as amended Yeas - 7 Navs - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

The following communication was read into the record:

Letter from the Office of the City Attorney announcing a public hearing before the City Council on September 19, 2007 concerning all licenses held by Tony's Amoco, Inc, 374 Lexington Parkway North.

1. Claims of Elizabeth J. Brothers, Charlene G. Cornell, and Georgia E. McClellon. Referred to Risk Management

- 2. Application letter to the City of Saint Paul from District Energy St. Paul, dated August 29, 2007 to issue a 20-year Franchise to District Heating Development Company, d/b/a District Energy St. Paul.
- 3. Application letter to the City of Saint Paul from District Cooling St. Paul, dated August 29, 2007 to issue a 20-year Franchise to District Energy Services, Inc., now known as District Cooling St. Paul, Inc. (hereafter "District Energy")
- 4. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on September 19, 2007 to consider the application of Richard O'Gara, Great Northern Railway Company, for a Subdivision by lot split to create two industrial parcels with variance of requirement that lots are previously platted land at 0 Westgate Drive, area northwest of Highway 280 and BNSF Main Line. (Zoning File No. 07-128-931)
- 5. Administrative Order:

D002676 Extending the contract completion date from December 31, 2006 to March 31, 2007 for the Como/Cleveland Sewer Cleaning and TV Inspection project.

On file in the City Clerk's Office

FOR ACTION

- 6. Resolution 07-828 Approving the Memorandum of Agreements between the City and AFSCME (Clerical, Technical and Legal); CCEA; Fire Fighters, Machinists, Manual and Maintenance Supervisors; Operating Engineers #70; PED; Police Federation; SPSO; and Tri-Council (Locals 132, 120 & 49) regarding health insurance options and contribution levels for 2008, 2009, and 2010. (To be laid over one week for adoption)

 Laid over to September 19 for adoption

 Yeas 7

 Nays 0
- 7. Resolution 07-829 Approving the list of donations for the City Employee Picnic with the name of each donor and the estimated value for each donation to comply with the requirements of Chapter 41 of the Administrative Code.

 Adopted Yeas 7 Nays 0

8. Resolution – 07-830 – Creating a twelve-month moratorium on the approval or issuance of any building permits, building or fire safety code compliance, or certificate of occupancy approvals for sober houses.

(Discussed after the consent agenda)

9. Resolution – 07-831 – Supporting the privately funded trip of a delegation to Thailand and its mission, authorizing Va-Megn Thoj Mayor Coleman's Policy Associate, to serve on the delegation, and accepting donations and appropriating them for costs required as part of Va-Megn Thoj's service on the delegation.

Laid over to September 26

Yeas - 7

Nays - 0

10. Resolution – 07-832 – Authorizing the Division of Parks and Recreation to accept a grant in the amount of \$37,168.50 from the Minnesota Department of Natural Resources to purchase a trail sweeper.

Adopted

Yeas - 7

Nays - 0

11. Resolution – 07-833 – Approving the Snelling Avenue between St. Clair Avenue and Grand Avenue, Center Median Management project; construction of a traffic signal on Shepard Road at the intersection of Interstate 35E southbound entrance ramp; and reconstruction of the existing traffic signal at the intersection of East Seventh Street, Minnehaha Avenue and Mendota Street.

Adopted

Yeas - 7

Nays - 0

12. Resolution – 07-834 – Approving the August 9, 2007 decisions of the Legislative Hearing Officer on appeals to Letters of Deficiency for properties at 629 Aldine Street, 750 Blair Street, and 604 Magnolia Avenue East.

Adopted

Yeas - 7

Nays - 0

13. Resolution – 07-835 – Approving the August 21, 2007 decision of the Legislative Hearing Officer on Appeals of Letters for 1461 Dale Street North.

Adopted

Yeas - 7

Nays - 0

14. Resolution – 07-836 – Approving the August 28, 2007 decision of the Legislative Hearing Officer on an appeal to a Letter of Deficiency for property at 222 Morton Street East.

Adopted

Yeas – 7

Nays - 0

15. Resolution – 07-837 – Approving the application with conditions, per the Legislative Hearing Officer, for a Malt Off Sale license by Target Corporation, d/b/a Target Store T2229, 1300 University Avenue West.

Withdrawn

16. Resolution – 07-838 – Approving the application, per the Legislative Hearing Officer, for Liquor Off Sale, Retail Food (B)-Grocery 101-1000 sq. ft. and Cigarette/Tobacco licenses by Ronald Bozich, Secretary, Bozetti 1 Inc., d/b/a Abetto's Liquor, 560 Como Avenue.

Adopted

Yeas - 7

Nays - 0

17. Resolution – 07-839 – Approving the application with conditions, per the Legislative Hearing Officer, for Alarm Permit (new), Cigarette/Tobacco, Retail Food (C) Grocery, and Gas Station licenses by Ali Giarushi Properties, d/b/a Douglas Corner, 243 Point Douglas Road North.

Adopted Yeas - 7 Nays - 0

18. Resolution – 07-840 – Approving the application with conditions, per the Legislative Hearing Officer, for Wine On Sale, Malt On Sale (Strong), Restaurant (B)-more than 12 seats, Restaurant (E)-Extension, Catering-Add On, Liquor Outdoor Service Area (Patio), and Dance or Rental Halls licenses by Ronald Bozich, Secretary, Scarboz 1 Inc., d/b/a Abetto's Deli and Catering, 560 Como Ave. (GS 3043094)

Adopted Yeas - 7 Nays - 0

19. Resolution – 07-841 – Approving the application with conditions, per the Legislative Hearing Officer, for Liquor On Sale 200 Seats, Liquor On Sale-Sunday, Liquor On Sale-2:00 a.m. Closing, Entertainment B, Restaurant B-More than 12 Seats, and Restaurant D-Add-On (bar only) by Sean Lee, President, Club Mesian, 1638 Rice Street.

(Discussed after the consent agenda.)

20. Resolution – 07-842 – Approving adverse action against the Tree Trimmer and 1 Vehicle and Tree Trimmer-Each Additional Vehicle license applications submitted by Prime Cut, LLC, d/b/a Prime Cut Tree Service.

Adopted Yeas - 7 Nays - 0

21. Resolution – 07-843 – Approving adverse action against all licenses held by Billy Neng Yang, d/b/a Asian Cuisine, 945 Rice Street, Suite A.

Adopted Yeas - 7 Nays - 0

22. Resolution – 07-844 – Approving adverse action against the Dance or Rental Halls license applications submitted by Cinema Ballroom, LLC, d/b/a Cinema Ballroom, 1560 St. Clair Avenue.

Adopted Yeas - 7 Nays - 0

23. Resolution – 07-845 – Approving adverse action against the Second Hand Dealer – Motor Vehicle Parts and Auto Repair Garage licenses held by Payless Tires, Inc., 698 University Avenue.

Adopted Yeas - 7 Nays - 0

25. Resolution – 07-847 – Establishing a 2007 financing and spending plan in the Police Department for a grant in the amount of \$1,000 received from Target Corporation to support the 2007 National Night Out.

Adopted Yeas - 7 Nays - 0

26. Resolution – 07-848 – Re-establishing a 2007 financing and spending plan for providing wireless connectivity to the Ramsey County Sheriff's Office.

Adopted Yeas - 7 Nays - 0

- 27. Resolution 07-849 Authorizing the Police Department to enter into an agreement with the Minnesota Department of Public Safety for a 2006 Buffer Zone Protection Grant.

 Adopted Yeas 7 Nays 0
- 28. Resolution 07-850 Authorizing the termination of a lease between the City and Verizon Wireless, and requesting the Housing and Redevelopment Authority to approve a new lease with Verizon for relocation of communications equipment from the Public Safety Building to the Robert Street Parking Ramp.

Adopted Yeas - 7 Nays - 0

20. Resolution – 07-841 – Approving the application with conditions, per the Legislative Hearing Officer, for Liquor On Sale 200 Seats, Liquor On Sale-Sunday, Liquor On Sale-2:00 a.m. Closing, Entertainment B, Restaurant B-More than 12 Seats, and Restaurant D-Add-On (bar only) by Sean Lee, President, Club Mesian, 1638 Rice Street. (GS 3042974)

Councilmember Helgen stated this is a liquor license approval for Club Mesian, formerly Club Cancun. Historically there have been a number of issues with this property. A list of conditions have been agreed to and Helgen requested the following:

- 1. There is a condition about modifying the music format. Given the character of this building, he would like to send this back to the Legislative Hearing Officer (LHO) The LHO should review the plan for the exterior of the building, including paint, signage, and maintenance;
- 2. A professional acoustical analysis of the noise generated, where the speakers are placed, how the interior spaces are configured, and if there is any soundproofing that can be done, particularly with the low frequency noises;
- 3. Additional assurances that the property will be maintained;
- 4. Police Department should provide a written response to what they have reviewed and how they will handle the nuisance issues in the adjoining neighborhoods;
- 5. Department of Safety and Inspections (DSI) should provide a six month behavioral report to ensure conditions are being adhered to and the property is well managed and maintained to minimize the impact on the adjoining neighborhoods.

Helgen moved to refer this matter back to a Legislative Hearing. Referred back to Legislative Hearing Yeas – 7 Nays – 0

FOR DISCUSSION

9. Resolution – 07-830 – Creating a twelve-month moratorium on the approval or issuance of any building permits, building or fire safety code compliance, or certificate of occupancy approvals for sober houses. (GS 3043652)

Councilmember Montgomery stated she has a scheduled meeting about this issue. There has been a rush to move the resolution. From an e-mail, it was her understanding that a PED staff person was preparing a document for the Planning Commission and public hearings will be held before a recommendation to the City Council. Montgomery questioned what happened to that process. John Curtis, Minnesota Association of Sober Houses, said that he would be interested in participating in a public hearing process. Montgomery said she does not want her citizens to get a false since of hope because, due to federal law, the City cannot deny a legitimate sober house. She would like to see staff complete the process and move forward after a public hearing.

Councilmember Benanav stated that there is a public hearing on October 3, and people will have an opportunity to testify. The Council asked for a study two years ago, and it has not come yet. This moratorium says that until they see a study or the Council acts, the proliferation and concentration of sober homes should cease. There are legal grounds to pass a moratorium. The City Attorney prepared the resolution at his request and there should be a thoughtful discussion. They would like to see what are reasonable accommodations for sober homes.

Councilmember Montgomery stated that she has several sober houses in her ward. She has been asking staff from the Department of Safety and Inspections and the City Attorney's Office to see what they can do to address this issue.

Montgomery stated that it is her understanding that Benanav had a meeting and City staff was there. She would like to make sure her community has the same meeting. Benanav responded that the conclusion was that they can do this.

Montgomery stated that she will take the City Attorney's opinion as to whether it is legal or not. There are legal implications that go along with this. Jerry Hendrickson, Assistant City Attorney, said that the City cannot outlaw sober houses but there are reasonable regulations that can be imposed. A moratorium is permissible at this time.

Councilmember Harris stated that sober houses are an important part of the recovery process. Unfortunately, some people who operate them from a profit standpoint fail to understand how important a facility is to recovery. He will support the moratorium.

Councilmember Benanav moved approval.

Adopted
$$Yeas - 7$$
 $Nays - 0$

24. Resolution – 07-846 – Waiving the 45-day notification requirements and granting, with conditions, Liquor On Sale, Sunday Liquor On Sale, and 2:00 a.m. closing license to Irish Horn, Inc., d/b/a Schwietz's Saloon, 956 Payne Avenue.

Councilmember Bostrom moved to introduce a substitute resolution. It has been changed to Irish Horn LLC and is no longer incorporated.

Substitute adopted
$$Yeas - 7$$
 Nays $- 0$

29. Resolution – 07-851 – Certifying the proposed maximum tax levy for the City of Saint Paul for taxes payable in 2008. (GS 3043594)

Councilmember Helgen presented a substitute resolution with a change on the spreadsheet in middle column.

Matt Smith, Director of Financial Services said this version corresponds to the yellow column on the spread sheet. It is a swap of the levy and LGS financing.

Helgen stated there will be a separate resolution for HRA.

Councilmember Harris said the HRA is separate, does not touch the \$1.4 million, and supports the Mayor's proposal. From a procedural standpoint, this resolution also includes support for the library.

Mr. Smith stated they had to have separate treatment of the library agency. Ultimately, the City is levying on behalf of the library agency. It is important the levy for the library be in the final resolution.

The meeting was recessed from 3:53 p.m. to 4:09 p.m.

Present
$$-7$$
 Nays -0

Councilmember Bostrom moved to introduce Substitute Resolution C.

$$Yes - 7$$
 $Nays - 0$

Benanav asked if this is the Mayor's proposal and Lantry responded that it is.

Helgen pointed out that Lines 9 and 10 have additional intentional language and Bostrom accepted responsibility for the language.

Harris stated that he will not support this saying there is now a \$300,000 gap in the Mayor's budget which will need to be filled by a permanent, ongoing funding source.

Lantry stated that she also will not support it. The difference between this year and other years is that the money is actually there. he Mayor has worked hard and made some bold choices in his budget. She worries about having the authority to spend up to this amount and would like to see the Council work on making spending adjustments and other adjustments.

Councilmember Montgomery stated she will not support it either as there should not be this high of a property tax increase. She is hoping they can find money for the libraries.

Benanav stated that he agrees with Lantry and Montgomery. He would prefer to have a lower levy but if they want to keep the City vibrant—including libraries—he does not have much of a choice. The library is the only place a lot of seniors can go and a message is being sent that they will not lower taxes but are cutting the rec. centers and the libraries. Real money has to be spent to keep the libraries and rec. centers open.

Councilmember Thune spoke in support. If someone does not want to levy the taxes, they should be ready for some cuts. He call it a political game being played by other legislative bodies. The maximum levy gives some room to maneuver. The Governor has the City in a bad position and the only responsible thing to do is to pass this levy.

Councilmember Bostrom moved approval.

Substitute Resolution C Adopted Yeas – 4 Nays – 3 (Harris, Lantry, Montgomery)

30. Resolution – 07-852 – Requesting amendments to the 2006 and 2007 CIB budgets which would authorize the use of \$170,000 in the 2006 CIB contingency funds to establish a budget for preliminary planning on the Arlington/Merrick project beginning in 2007. (GS 3043396)

Councilmember Bostrom moved approval.

Bob Biersheid, Director of Parks and Recreation, appeared and said the resolution addresses discussions previously held. More collaboration is needed and the resolution looks at that and ensures it's done in the best way.

Councilmember Benanav stated that whenever they build a new library, one library gets resources, another library does not. Mr. Bierscheid responded that the resolution addresses those concerns and makes sure it's a balanced approach.

Councilmember Helgen stated he is not certain about Merrick's ability and he is concerned about the Friends of the Library. The planning process is fine, but he does not see a commitment to merge some libraries. He wonders about the willingness of the community to merge rec centers into a better one or merge libraries into a better one at the expense of others. There needs to be a conversation about where the money is coming from, he said. He suggested laying this over for a couple of weeks. Mr. Bierscheid responded that is the purpose of the study - whether or not the issue should be raised.

Helgen asked if this went through the CIB budget process. Council President Lantry responded that will take place in December. Mr. Bierscheid concurred saying it is proposed to be part of the CIB budget.

Matt Smith said the resolution would allow them to build this year instead of waiting until next year.

Lantry stated that they should decide first when they are going to do a project and it should be done during the CIB process.

Sherry Pemberton, Department of Planning and Economic De velopment, appeared and stated the \$170,000 was an estimate and is not a commitment to construct this building. It was started by Arden Hills Lutheran Church and they talked to Parks and Rec. about the potential. This is a master vision plan to talk to Parks, the Library, Arden Hills Church, etc. to see if they can come together to use the same space and to be more effective. It is trying to figure out if it is feasible.

Thune stated this is not about just building a library but about opportunities in three wards. Resources will be redistributed. Several agencies are interested in collaborating on the project. Opportunities like this do not happen very often to bring together private owners, agencies, churches, funeral homes, rec. centers, libraries. It is the kind of thing that supplements City services and saves money in the long run.

Bostrom stated that this started when Merrick Community Center talked about colocating at Arlington Rec. Center but found it is not a large enough site. Library Director Melanie Huggins attended one of the meetings and talked about how the library fits into the neighborhood and the library plan. Arlington is a small library that does not lend itself to redevelopment. If the community is interested, they could add the library to part of the overall facility. The community thought it was a good idea. They are at the point

where there is a lot of neighborhood support. Merrick is on a fundraising program. Friends of the Library do not want to get involved in this because they may have to seek some of the same donors as Merrick. This is about dealing with kids and seniors. This allows three agencies to come together under one roof and serve a different clientele. A person can do research at the library, go to the rec. center, and the Merrick Center can handle another part of the social service. This is an opportunity that does not present itself very often and would set the stage on how the City does things in the future with other agencies.

Harris stated that he is not sure what \$100,000 will pay for and if they need that much money. He would like someone from staff to address when and how they would make good on their promise that the other libraries would be part of the visioning process. Or, it could be referred to the Library Board.

Lantry said she would like to know how the City would pay for all of it saying the debt service fund is going to crash. If there is no money, she doesn't understand why new facilities would be built without a longer term plan in place.

Bostrom said these are kids who need opportunities and outlets. This neighborhood needs help and is in transition. These three facilities offer a unique opportunity to serve this changing neighborhood.

Thune added that there is too much at stake to delay on this. If they want to proceed further on West 7th, maybe there would be money leftover to do this, but that is not why he is supporting it. Merrick is in the Railroad Island are and they are planning to leave. The City needs to work with Merrick as they plan their move. Presently, there are private organizations and churches that want to get involved. It is a matter of planning for an entire community's resources. He said they all know the realities of budgets, but this is the way to get more bang for the buck, to be able to respond quickly, much like a business. They are trying to move quickly so they can take advantage of these partners.

Montgomery stated that she assumed everyone was briefed by Parks staff. The partnership is going to make this a feasible project and at some point, they have to become better partners with the private sector, she said

Harris stated no one is trying to stop the project, but he thinks that a couple of weeks could give them time to get more information and get information on how other projects are part of this plan. He was told Highland, Sun Ray, and West Seventh are part of this but he didn't see it as part of the resolution.

Bostrom moved a two week layover. He encouraged everyone to talk to the people from the Libraries, Merrick, and Parks and Rec. to get a sense of what going on. Laid over to September 26 Yeas -7 Nays -0

31. Update from Marcia Moermond, Legislative Hearing Officer, on property at 332 St. Clair Avenue. (Progress report requested by Council on February 7, 2007; laid over August 8)

Councilmember Thune stated there is some progress with this property. It has been dealt with by the Historic Preservation Commission (HPC) and they say they do not have an interest in it.

Ms. Moermond stated that she would like this matter continued to the November 7 public hearings at which point she will have a resolution to lift the stay on the order to remove or repair the building. Meanwhile, she would like to give official notification to the owner and lienholders on the property of the City's intent to move forward to remove the building. The HPC has considered this property and they will be discussing those findings and including them in a report to the City Council.

Councilmember Thune moved to lay over to November 7 for a public hearing. Laid over to November 7 Public Hearing Yeas - 7 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>.

- 32. Second Reading 07-801 An ordinance establishing Sibley Street between Ninth and Tenth Streets as a one-way northbound and Temperance Street between Ninth and Tenth Streets as a one-way southbound. (GS 3043227)

 Laid over to September 19 for third reading/public hearing
- 33. First Reading 07-853 An ordinance amending Chapter 40 of the St. Paul Legislative Code to provide the Fire Marshal authority to suspend or revoke the fire certificate of occupancy when an owner or interested party cannot be identified after a good-faith effort. (GS 3043535)

Laid over to September 19 for second reading

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Councilmember Helgen moved suspension of Yeas -7 Nays -0	the rules to introduce the following resolution:
Resolution – 07-854 – Canvassing the Primary Election held on September 1	e returns and declaring the results of the City 1, 2007 in the City of Saint Paul.
Councilmember Thune moved approv Adopted Yeas – 7 Nays – 0	
Councilmember Thune moved to adjourn the	meeting. $Yeas - 7$ Nays $- 0$
ATTEST:	ADJOURNED at 5:10 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Racquel Naylor	November 7, 2007 Minutes approved by Council